

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

MALIBU MEDIA, LLC,

Plaintiff,

v.

JOHN DOE, subscriber assigned
IP address 174.102.1.112,

Defendant.

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Case No. 3:14-cv-136

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JUDGE WALTER H. RICE

ORDER

For the reasons stated in the accompanying Memorandum Decision, the
Court hereby ORDERS the following:

- 1) Plaintiff's Motion for Leave to Serve a Third-Party Subpoena Prior to a Rule 26(f) Conference (Doc. #2) is SUSTAINED;
- 2) Plaintiff is allowed to serve immediate discovery on the Internet Service Provider **TIME WARNER CABLE** to obtain the identity of John Doe Defendant with the Internet Protocol Address **174.102.1.112** by service of a Rule 45 Subpoena that seeks information sufficient to identify John Doe Defendant. Said information is limited to the subscriber's name, current and permanent address, telephone number, and email address;

- 3) Any information disclosed to Plaintiff in response to the Rule 45 subpoena may be used by Plaintiff solely for the purpose of protecting Plaintiff's rights as set forth in the Complaint;
- 4) The Plaintiff shall provide the ISP with a copy of this Order and the accompanying Memorandum Decision with its Subpoena;
- 5) When an Internet Service Provider ("ISP") is served with a subpoena, the ISP shall give written notice of the subpoena and its contents, with a copy of the subpoena the ISP receives, to the subscriber in question within ten (10) days of its receipt;
- 6) If the ISP and/or the Defendant wants to file a Motion to Quash the subpoena, the motion must be filed before the return date of the subpoena, which shall be no earlier than thirty (30) days from the date of service;
- 7) The ISP shall preserve any subpoenaed information pending the resolution of any timely filed Motion to Quash;
- 8) On or before August 31, 2014, Plaintiff shall file a status report with the Court that briefly outlines its progress and provides an expected completion date of the discovery allowed by this Order.

Date: July 16, 2014



WALTER H. RICE
UNITED STATES DISTRICT JUDGE